



Memphis City Council Summary Sheet Instructions

Resolution to fund the A.D.A. Contract for STP Curb Ramps Group 43 Bid Set 2

1. Resolution funding the A.D.A. Curb Ramp contract for the construction of eight hundred twenty three (823) curb ramps City wide.
2. This Resolution is initiated by Public Works Division in response To City's requirement to fulfill the Federal Settlement Agreement with the U.S. Department of Justice.
3. This project is currently in the CIP 2013 fiscal year listed under project PW04081.
4. This project will require a construction contract with Dixieland Contractors, with a 18.15% MWBE contractor requirement
5. This project requires an expenditure of G. O. Bonds and is a reimbursed State Grant on a 80 / 20 basis.

This item is a resolution funding the A.D.A. Curb Ramp contract for the construction of eight hundred thirty four (823) curb ramps city wide.

WHEREAS, on May 3, 2011 the Council of the City of Memphis accepted grant funds from the State of Tennessee Department of Transportation and appropriated the City's local match for ADA Curb Ramp Group 43, project number PW04081; and

WHEREAS, under this contract, the State of Tennessee Department of Transportation has agreed to fund 80% of the project cost for ADA Curb Ramp Group 43 with the City of Memphis providing 20% in matching funds; and

WHEREAS, bids were taken on August 31, 2012 for the installation of handicap ramps in various locations in the City, bid set (2) with the lowest complying bid of five bids being \$1,140,756.80 submitted by Dixieland Contractors; and

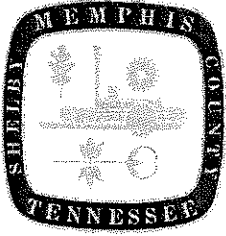
WHEREAS, it is necessary to transfer an allocation of \$28,129.00 funded by GO Bonds - General from ADA Curb Ramp, project number PW04007 to ADA Curb Ramps Group 43, project number PW04081, for the installation of handicap ramps in various locations; and

WHEREAS, it is necessary to appropriate \$986,365.00 (\$958,038.00 State Grants and \$28,129.00 G.O. Bonds) in ADA Curb Ramp Group 43, project number PW04081, for the installation of handicap ramps in various locations as follows:

Contract Amount	\$1,140,757.00
Project Contingencies	57,038.00
Current G.O. Bonds Appropriation	<u>(211,430.00)</u>
	\$ 986,365.00

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that there be and is hereby appropriated the sum of \$986,365.00 (\$958,038.00 State Grants and \$29,129.00 G.O. Bonds) chargeable to the Fiscal Year 2013 Capital Improvement Budget and credited as follows:

Project Title	ADA Curb Ramp Group 43
Project Number	PW04081
Amount	\$986,365.00



MEMPHIS CITY COUNCIL SUMMARY SHEET

JACKSON PIT PROJECT CIP NO.: PW04006

Resolution to accept Shelby County Grant Funds and move funds allocated to the Jackson Pit Site from the Construction Account to the Architects and Engineering Account for required additional environmental work at the Site as directed by the Tennessee Department of Environment and Conservation (TDEC).

- This item is a resolution to accept Shelby County Grant Funds and transfer the funds allocated to the Jackson Pit Site from the G.O. Bonds Construction Account to the Architects and Engineering Account for required additional environmental work at the Site as directed by the TDEC.
- The City of Memphis (City) and the Shelby County Government (County) share liability for the Site, and each are responsible for paying half of the costs for all work required by TDEC.
- TDEC has directed the City and County to perform additional environmental work at the Site. This does not change an existing ordinance or resolution.
- The City currently plans to contract with Brown and Caldwell to perform the additional environmental work.
- It is estimated that City's 50% share of this additional environmental work will cost approximately \$ 150,000.00.

This item is a resolution to accept Shelby County funds and transfer G.O. Bonds funds from Construction to Architecture and Engineering in Jackson Pit Dump for required additional environmental work at the site directed by Tennessee Department of Environment Conservation (TDEC).

WHEREAS, The City of Memphis and Shelby County Government will enter into an agreement to share cost for Jackson Pit Dump, project number PW04006 for additional work required by TDEC; and

WHEREAS, it is necessary to accept funds, establish an allocation and appropriate \$150,000.00 funded by Local Shared Revenue -Shelby County Government; and

WHEREAS, G.O. Bond funding is needed in Architecture and Engineering to cover additional required work at the site as directed by TDEC; and

WHEREAS, it is necessary to transfer allocations and appropriations of \$150,000.00 in G.O. Bonds from Construction to Architecture and Engineering in Jackson Pit Dump, project number PW04006.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Fiscal Year 2013 Capital Improvement Budget is hereby amended by accepting funds, establishing an allocation and appropriating \$150,000.00 In Local Shared Revenue- Shelby County Government for the additional required work required by TDEC.

BE IT FURTHER RESOLVED, that the Fiscal Year 2013 Capital Improvement Budget be amended by transferring allocations and appropriations of \$150,000.00 in G.O. Bonds from Construction to Architecture and Engineering in Jackson Pit Dump, project number PW04006.



Memphis City Council Summary Sheet

Resolution for the Street Improvements of Elvis Presley Blvd. from Commercial Parkway to Brooks Road PW01064:

1. Project for the Street Improvements of Elvis Presley Blvd. from Commercial Parkway to Brooks Road.
2. This project is initiated by the Public Works Division in response to the recommendation of the City Engineer.
3. This project is currently in the CIP budget Project No. PW01064, which has been approved by the City Council.
4. This project requires a construction contract with Ferrell Paving, Inc. to make Street Improvements of Elvis Presley Blvd. from Commercial Parkway to Brooks Road.
5. This project requires an expenditure of G. O. bonds as shown in the current 2013 fiscal year budget.

This is a resolution to Resolution for the Street Improvements of Elvis Presley Blvd. from Commercial Parkway to Brooks Road PW01064.

WHEREAS, the Council of the City of Memphis approved Elvis Presley/Shelby/Winchester, project number PW01064 as part of the Fiscal Year 2013 Capital Improvement Program; and

WHEREAS, bids were taken on September 28, 2012 for roadway improvements to Elvis Presley Boulevard from Commercial Parkway to Brook Road with the lowest complying bid of one bid being \$1,679,378.59 submitted by Ferrell Paving Inc.; and

WHEREAS, it is necessary to appropriate \$1,931,285.00 funded by G.O. Bonds-General in Elvis Presley/Shelby/Winchester, project number PW01064 as follows:

Contract Amount	\$ 1,679,379.00
Project Contingencies	<u>251,906.00</u>
Total	\$ 1,931,285.00

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that there be and is hereby appropriated the sum of \$1,931,285.00 in G O Bonds - General chargeable to the Fiscal Year 2013 Capital Improvement Budget and credited as follows:

Project Title:	Elvis Presley/Shelby/Winchester
Project Number	PW01064
Amount:	\$1,931,285.00



**Memphis City Council
Summary Sheet
CIPP Annual Contract 2012**

1. This is an annual construction project to repair and rehab existing damaged sanitary sewer pipe using cured in place technology at various locations.
2. This item is being submitted by Public Works (Environmental Engineering)
3. This item does not change an existing ordinance or resolution.
4. This item does require a new contract.
5. This item requires an expenditure of funds.
6. The MWBE Goal for this project was 3%.

This is a resolution to repair and rehab existing damaged sanitary sewer pipe using cured in place technology at various locations.

WHEREAS, the Council of the City of Memphis approved Rehab Existing Sewers, project number SW02001 as part of the Public Works Fiscal Year 2013 Capital Improvement Budget; and

WHEREAS, bids were taken on August 31, 2012 for the installation of cured in place pipe at various locations throughout the city with the lowest complying bid of four bids being submitted by Moore Construction Co., Inc; and

WHEREAS, it is necessary to reduce Sewer Revenue Bonds in Rehab Existing Sewers, project number SW02001 and establish an allocation funded by Sewer Operating-CIP in Install CIPP Annual 2012, project number SW02102 in the amount of \$550,000.00; and

WHEREAS, it is necessary to appropriate \$550,000.00 funded by Sewer Operating-CIP in Install CIPP Annual 2012, project number SW02102 as follows:

Contract Amount	\$ 500,000.00
Project Contingencies	<u>50,000.00</u>
Total	\$ 550,000.00

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Fiscal Year 2013 Capital Improvement Budget be and is hereby amended by reducing Sewer Revenue Bonds in Rehab Existing Sewers, project number SW02001 and establish an allocation funded by Sewer Operating-CIP in Install CIPP Annual 2012, project number SW02102 in the amount \$550,000.00 for the cured in place pipe at various locations throughout the city.

BE IT FURTHER RESOLVED, that there be and is hereby appropriated the sum of \$550,000.00 funded by Sewer Operating-CIP chargeable to the Fiscal Year 2013 Capital Improvement Budget and credited as follows:

Project Title:	Install CIPP Annual 2012
Project Number	SW02102
Amount:	\$550,000.00



Memphis City Council Summary Sheet

1. Description of the Item (Resolution, Ordinance, etc.)

In order to successfully negotiate an operating agreement with Union Pacific Railroad for the Harahan Bridge, the railroad must review and approve the design of the bridge trail and determine its impact on the operation of the bridge. Since the City is asking for the trail, the railroad has been asked to be reimbursed for the cost of their engineering firm reviewing our design not to exceed \$45,000.

2. Initiating Party (e.g. Public Works, at request of City Council, etc.)

Executive Division

3. State whether this is a change to an existing ordinance or resolution, if applicable.

This is not a change to an existing ordinance, but transfers funds from one item in the Public Works budget to another.

4. State whether this requires a new contract, or amends an existing contract, if applicable.

A new contract between the City and Union Pacific Railroad will need to be created.

5. State whether this requires an expenditure of funds/requires a budget amendment.

This does require an expenditure of funds, but transfers \$45,000 to an existing project to fund the potential engineering costs.

**Resolution transferring funds from the Metal Museum N. Bluff Repair,
PW04073 to the Harahan Bridge Boardwalk, project number PW04090**

WHEREAS, funds are needed to negotiate an operating agreement with Union Pacific Railroad for the Harahan Bridge to review and approve the design of the bridge trail and determine its impact on the operation of the bridge.

WHEREAS, Metal Museum N. Bluff Repair, PW04073 has been completed and excess construction funds in the amount of \$45,000.00 are available to be used to fund a portion of the Harahan Bridge Study for a pedestrian/bike crossing of the Mississippi River Bridge; and

WHEREAS, it is necessary to transfer a construction allocation and appropriation of \$45,000.00 funded by G.O. Bonds – General from Metal Museum N. Bluff Repair, project number PW04073 to architecture and engineering in Harahan Bridge Boardwalk, project number PW04090.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the FY 2013 Capital Improvement Budget be and is hereby amended by transferring a construction allocation and appropriation of \$45,000.00 funded by G.O. Bonds – General from Metal Museum N. Bluff Repair, project number PW04073 to architecture and engineering in Harahan Bridge Boardwalk, project number PW04090.



Memphis City Council Summary Sheet

1. Description of the Item (Resolution, Ordinance, etc.)

This item authorizes the Center City Revenue Finance Corporation to spend its pledged \$2 million on the Main Street to Main Street Multimodal Connector project.

2. Initiating Party (e.g. Public Works, at request of City Council, etc.)

Executive Division, Office of Intergovernmental Relations

3. State whether this is a change to an existing ordinance or resolution, if applicable.

This is not a change to an existing ordinance or resolution

4. State whether this requires a new contract, or amends an existing contract, if applicable.

N/A

5. State whether this requires an expenditure of funds/requires a budget amendment.

This does require an expenditure of funds by the City.



RESOLUTION APPROVING THE USE OF CENTER CITY REVENUE FINANCE CORPORATION PILOT EXTENSION FUNDS TO SUPPORT THE MAIN STREET TO MAIN STREET MULTIMODAL CONNECTOR PROJECT OVER THE HARAHAN BRIDGE

WHEREAS, the Main Street to Main Street Multimodal Connector Project (the "M2M Project") is a ten-mile regional, multimodal corridor that will increase and improve alternative transportation options in the Memphis metro area and connect Tennessee to Arkansas via a bicycle and pedestrian trail over the Mississippi River via the historic Harahan Bridge;

WHEREAS, the M2M Project will make long-needed improvements to Main Street in Downtown Memphis from Uptown to South Main including the Main Street Mall;

WHEREAS, the M2M Project will link South Main to the Harahan Bridge via existing roadways, which will be improved to better accommodate bicycle and pedestrian traffic

WHEREAS, the M2M Project will restore the historic Harahan Bridge and convert it into a bicycle and pedestrian trail over the Mississippi River with stunning views of the Memphis skyline;

WHEREAS, the M2M Project will connect the Harahan Bridge to West Memphis's main street, called Broadway;

WHEREAS, the M2M Project is supported by many public and private sector partners including the cities of Memphis and West Memphis; the counties of Shelby and Crittenden; the states of Tennessee and Arkansas; the Downtown Memphis Commission; the Harahan Bridge Project; the Hyde Foundation; the Community Redevelopment Agency; and many others;

WHEREAS, the M2M Project won the very competitive \$15 million federal Transportation Investment Generating Economic Recovery (TIGER) IV Grant, thereby distinguishing the M2M Project as one of the top 5% of TIGER IV Grant applications nationally;

WHEREAS, the remaining costs of the total \$30 million M2M Project will be funded by local and state matching sources including significant contributions from the private sector;

WHEREAS, an affiliate of the Downtown Memphis Commission, the Center City Revenue Finance Corporation (CCRFC) has pledged \$2 million from its capital fund, the PILOT Extension Fund, toward the M2M Project;

WHEREAS, , the CCRFC's PILOT Extension Fund is generated by properties in Downtown Memphis and may only be used for garages or other public infrastructure in Downtown Memphis;;

WHEREAS, this Resolution does not authorize spending any City money;

WHEREAS, CCRFC's bylaws provide that the approvals of the Memphis City Council and the Shelby County Commission are required before CCRFC may use its funds from the CCRFC PILOT Extension Fund;

WHEREAS, the Mayor of Memphis has approved the use of CCRFC's PILOT Extension Fund as described in this Resolution;

NOW, THEREFORE, BE IT RESOLVED That the Center City Revenue Finance Corporation is hereby authorized to use Two Million Dollars (\$2,000,000) from its capital fund, the PILOT Extension Fund, to support the Main Street to Main Street Multimodal Connector Project.



Memphis City Council Summary Sheet

1. Description of the Item (Resolution, Ordinance, etc.)

AN ORDINANCE AMENDING CHAPTER 48 OF THE CITY OF MEMPHIS, CODE OF ORDINANCES, BY ADDING SECTIONS 48-21 THRU 48-26 TO INCLUDE "PROPERTY REGISTRATION REQUIREMENTS" THAT WILL REQUIRE OWNERS OF REAL PROPERTIES, INCLUDING CONDOMINIUMS, TO MAINTAIN ON FILE WITH THE COUNTY REGISTER OR OTHER DESIGNEE OF THE CITY, AN ACCURATE NAME AND MAILING ADDRESS OF ONE OF MORE OF THE OWNERS FOR PURPOSES OF NOTICE AND SERVICE OF PROCESS AND TO REQUIRE REGISTRATION BY A MORTGAGEE OR MORTGAGEE'S AGENT UPON NOTICE OF DEFAULT OR VACANCY BY A MORTGAGOR REGARDING SINGLE FAMILY RESIDENTIAL REAL PROPERTY INCLUDING CONDOMINIUMS LOCATED IN THE MUNICIPAL BOUNDARIES OF THE CITY OF MEMPHIS.

2. Initiating Party (e.g. Public Works, at request of City Council, etc.)

PUBLIC WORKS, NEIGHBORHOOD IMPROVEMENT..

3. State whether this is a change to an existing ordinance or resolution, if applicable.

AMENDING CHAPTER 48 OF THE CITY OF MEMPHIS, CODE OF ORDINANCES, BY ADDING SECTIONS 48-21 THRU 48-26

Memphis City Council Summary Sheet Template 8-28-12

- 4. State whether this requires a new contract, or amends an existing contract, if applicable.**

N/A.

- 5. State whether this requires an expenditure of funds/requires a budget amendment.**

N/A..

A BRIEF DESCRIPTION OF THE AMENDMENT

HEADING

AN ORDINANCE AMENDING CHAPTER 48 OF THE CITY OF MEMPHIS, CODE OF ORDINANCES, BY ADDING SECTIONS 48-21 THRU 48-26 TO INCLUDE “PROPERTY REGISTRATION REQUIREMENTS” THAT WILL REQUIRE OWNERS OF REAL PROPERTIES, INCLUDING CONDOMINIUMS, TO MAINTAIN ON FILE WITH THE COUNTY REGISTER OR OTHER DESIGNEE OF THE CITY, AN ACCURATE NAME AND MAILING ADDRESS OF ONE OF MORE OF THE OWNERS FOR PURPOSES OF NOTICE AND SERVICE OF PROCESS AND TO REQUIRE REGISTRATION BY A MORTGAGEE OR MORTGAGEE’S AGENT UPON NOTICE OF DEFAULT OR VACANCY BY A MORTGAGOR REGARDING SINGLE FAMILY RESIDENTIAL REAL PROPERTY INCLUDING CONDOMINIUMS LOCATED IN THE MUNICIPAL BOUNDARIES OF THE CITY OF MEMPHIS.

DESCRIPTION

- 1) **Real Property Registry:** the purpose is to require all parcels of property to have on file a registry of the owner or agent for service of process. This proposed registry would address the ongoing problem of identifying responsible parties; regarding abandoned, defaulted, or foreclosed real property of all types.
- 2) **Default Registry:** the purpose is to place certain requirements pursuant to existing state statutes, authorizing cities to take remedial measures, and require mortgage holders or their agents to register the property in a default registry within a specified time after default had been declared by the mortgagee on the associated parcel of property.
- 3) The combination of these two ordinances would greatly assist the city in directly addressing code violations or unsafe conditions. The first ordinance is directed specifically toward the owners of property whether occupied, abandoned, Heir property, foreclosed property, or property recently transferred.
- 4) The ordinance provides that owners of condominiums designate the condominium association as their agent for the purpose of notice and service of process for members of the association.

AN ORDINANCE AMENDING CHAPTER 48 OF THE CITY OF MEMPHIS, CODE OF ORDINANCES, BY ADDING SECTIONS 48-21 THRU 48-26 TO INCLUDE "PROPERTY REGISTRATION REQUIREMENTS" THAT WILL REQUIRE OWNERS OF REAL PROPERTIES, INCLUDING CONDOMINIUMS, TO MAINTAIN ON FILE WITH THE COUNTY REGISTER OR OTHER DESIGNEE OF THE CITY, AN ACCURATE NAME AND MAILING ADDRESS OF ONE OF MORE OF THE OWNERS FOR PURPOSES OF NOTICE AND SERVICE OF PROCESS AND TO REQUIRE REGISTRATION BY A MORTGAGEE OR MORTGAGEE'S AGENT UPON NOTICE OF DEFAULT OR VACANCY BY A MORTGAGOR REGARDING SINGLE FAMILY RESIDENTIAL REAL PROPERTY INCLUDING CONDOMINIUMS LOCATED IN THE MUNICIPAL BOUNDARIES OF THE CITY OF MEMPHIS.

WHEREAS, the present mortgage foreclosure crisis has serious negative implications for all communities trying to manage the consequences of property vacancies and abandoned real properties; and

WHEREAS, the City of Memphis finds that the presence of vacant and abandoned properties can lead to a decline in property value, a corresponding decline in property tax revenue, create and attract nuisances, and lead to a general decrease in neighborhood and community aesthetic; and

WHEREAS, the City of Memphis (hereinafter referred to as "City") recognizes an increase in the number of vacancies and abandoned properties located throughout the City; and

WHEREAS, the City is challenged to identify and locate the owners of such vacant and abandoned properties; and

WHEREAS, the City has already adopted property maintenance codes to regulate building standards for the exterior of structures and the condition of the property as a whole; and

WHEREAS, the City desires to amend the City's Code by creating Section 48-21 through 48-26

to establish (1) real property registration requirements, and (2) a default and foreclosure registry, and;

WHEREAS, the City has a vested interest in protecting neighborhoods against decay caused by vacant and abandoned properties and concludes that it is in the best interests of the health, safety, and welfare of its citizens and residents to impose registration requirements upon owners of real property located within the City and in certain cases upon mortgagees and other beneficial owners.

NOW, THEREFORE,

SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS that **Chapter 48 of the City of Memphis, Code of Ordinances** is hereby amended by adding Sections 48-21 thru 48-26 to read as follows:

CHAPTER 48 ARTICLE II:

REAL PROPERTY REGISTRATION REQUIREMENTS

Sec. 48-21. (a) Purpose and Intent.

It is the purpose and intent of the City of Memphis ("City") to establish a process to address the deterioration and blight of City neighborhoods caused by an increasing amount of abandoned, foreclosed or distressed real property located within the City, and to identify, regulate, and reduce the number of abandoned properties located within the City. It is the City's further intent to establish Real Property Registration Requirements as a mechanism to protect neighborhoods

from becoming blighted due to the lack of adequate maintenance and security of abandoned and foreclosed real property.

(b) Definitions.

The following words and terms shall have the meanings set forth in this section, except where otherwise specifically indicated.

- i. ***Abandoned Real Property*** means any real property that is vacant, or is under notice of default, or is pending a mortgage foreclosure, or notice of mortgagee's sale, or lien sale and/or properties that have been the subject of a mortgage foreclosure sale where title is retained by the mortgagee, and/ or any properties transferred under a deed-in-lieu of foreclosure sale, a short sale or any other legal means.
- ii. ***Default*** means, that the mortgagee has filed a foreclosure action or notice of default on the mortgage. A mortgage shall be considered in default at such time as the mortgagee declares said mortgage to be in default either by letter or notice to property owner, by recording a lis pendens, by commencing foreclosure proceedings; or by any other actions demonstrating a breach of a security covenant on a property.
- iii. ***Evidence of Vacancy*** means any condition that on its own, or combined with other conditions present, would lead a reasonable person to believe that the property is vacant. Such conditions may include, but are not limited to: overgrown and/or dead vegetation; electricity, water or other utilities turned off; stagnant swimming pool; or statement by neighbors, passer-by, delivery agents or government agents.
- iv. ***Foreclosure*** means the judicial or non-judicial process by which a property, placed as security for a mortgage loan, is to be sold at an auction to satisfy a debt upon which the borrower has defaulted.

- v. ***Mortgage*** means, any consensual lien created by a written instrument which grants or retains an interest in real estate to secure a debt or other obligation. The term includes, without limitation:
 - a. Mortgages securing reverse mortgage loans;
 - b. Mortgages securing revolving credit loans;
 - c. Every Deed conveying real estate, although an absolute conveyance in its terms, which shall have been intended only as a security in the nature of a mortgage; and
 - d. Equitable mortgages.

- vi. ***Mortgagee*** means:
 - a. the holder of an indebtedness or obligee of a non-monetary obligation secured by a mortgage or any person designated or authorized to act on behalf of such holder;
 - b. any person claiming through a mortgage as successor; and
 - c. Any person identified as such in a recorded document which has not been released, assigned, or superseded of record.

- vii. ***Mortgagor*** means the person whose interest in the real estate is the subject of the mortgage and any person claiming through a mortgagor as successor. Where a mortgage is executed by a trustee of a land trust, the mortgagor is the trustee and not the beneficiary or beneficiaries.

- viii. ***Owner*** means any person who alone, jointly, or severally with others:
 - a. Has legal title to the property, with or without accompanying actual possession thereof;
 - b. Has charge, care or control of the property as owner or agent of the owner or an executor, administrator, trustee or guardian of the estate of the owner; or

- c. Is the agent or the owner for the purpose of managing, controlling the property or collecting rents, or is any other person managing or controlling the property or is any person entitled to the control or direction of the management or disposition of the property.
- ix. ***Property*** means any real, residential, commercial or industrial property, or portion thereof, located within unincorporated Cook County or within the boundaries of a participating municipality, including buildings or structures situated on the property.
- x. ***Residential Property*** means buildings of three stories or less in height where the whole building or parts thereof are designed or used as residential units or auxiliary uses to a residential unit.
- xi. ***Vacant*** means any building or structure that is not lawfully occupied or inhabited as evidenced by the conditions set forth in the definition of “*Evidence of Vacancy*” above.

(c) Applicability.

These sections shall be considered cumulative and not superseding or subject to any other law or provision for same, but rather an additional remedial remedy available to the City, above and beyond any other state, county or local provisions.

Sec. 48-22.

(a) Establishment of a Registry.

Pursuant to the authority of T.C.A. §6-54-113(d) (1), the City of Memphis or its designee shall establish a registry for all real property, including condominiums located within the municipal boundaries of the city of Memphis.

(b) Election of Owner, or Agent for Notice and Service of Process.

All owners of real property, including condominiums are required to elect that the property owner (one or more) serve as agent for service of process, and provide a current working address to which notice can be sent, and service of process is to be directed.

(c) Appointing Agents or Designees for Process of Service.

All owners of real property, including condominiums, may elect to appoint or designate another party or entity as agent for notice and service of process by providing to the City of Memphis or its designee the name of the person or entity, and, the address to which notice or service can be directed.

(d) Registry Content.

The elections described above shall be made or updated if any material change in ownership or agent designation has occurred. Confirmation of, or, change in designations shall be executed concurrent with or before the annual deadline for property tax payment to the City of Memphis. Confirmation of, or, change in designation or agent for notice and service of process shall be fulfilled upon receipt by the City of Memphis or its designee, on the form and pursuant to the directions provided to owners with the tax bill mailed to the property owner annually.

(e) Agents for Notice and Service of Process for Condominium Owners.

In the case of condominium owners, the resident association, or other agent for service of process, shall be identified as agent for notice and service of process for all owners/members of the condominium association.

(f) Failure to Comply with Notice and Service of Process Registration.

Failure to comply with this ordinance will result in service of process and notice being effected by serving the Secretary of State for the State of Tennessee, pursuant to T.C.A. §§ 20-2-201; 20-2-202; 20-2-214; 20-2-216; 20-2-223, 20-2-225; 48-15-105; 48-25-107; 48-55-104, or to the last known person or entity shown as the owner or elected agent for notice and service of process.

Sec. 48-23.

(a) Fine.

Failure to comply with the requirements of this ordinance will result in a fine of two hundred dollars (\$200.00) administrative fee by department.

I. FORECLOSURE AND DEFAULT REGISTRY

Sec. 48-24.

(a) Establishment of a Residential Foreclosure and Default Registry.

Pursuant to the authority of T.C.A. §6-54-113(d) (1) and in addition to the requirements of Sec. 48-22 set forth herein, the City of Memphis or its designee shall establish a Foreclosure and Default Registry and require registration by the mortgage holder of

single family residential real property, including condominiums within the city of Memphis upon Notice of Default or Foreclosure, or abandonment (vacancy), whichever occurs first.

Sec. 48-25.

(a) Registration of Real Property Upon Default or Foreclosure.

Any mortgagee who holds a mortgage on single family residential housing, including condominiums located within the City of Memphis, shall, upon Notice of default to the mortgagor, foreclosure by the mortgagee, or evidence of vacancy, whichever occurs first, perform an inspection of the property within 30 days of occurrence. The mortgagee shall, within ten (10) days of the inspection, register the property with the Division of Code Enforcement, or its designee, on forms provided by the City, and indicates whether the property is vacant or occupied. A separate registration is required for each property, whether it is found to be vacant or occupied.

(b) Occupied Defaulted Or Foreclosed Property.

If the property is occupied but remains in default or foreclosure, it shall be inspected by the mortgagee or his designee monthly until (1) the mortgagor or other party remedies the default, or (2) it is found to be vacant or shows evidence of vacancy, or (3) at such time the property is deemed abandoned by the mortgagee or the City, and the mortgagee shall, within ten (10) days of that occurrence, update the property registration to a vacancy status on forms provided by the City. The vacant property shall remain in the registry.

(c) Registration Requirements.

Registration pursuant to this section shall contain the name of the owner, mortgagee and the servicer, the direct mailing address of the mortgagee, owner, and the servicer, a direct contact name and telephone number for each party, facsimile number and e-mail address for each party, the folio or tax number, and the contact name and telephone number of the person responsible for the security and maintenance of the property. Upon either, default, foreclosure, or vacancy both the mortgagee, or his designated agent, and the property owner shall be responsible for compliance with this ordinance.

(d) Annual Registration Fee For Defaulted and Foreclosed Property.

A non-refundable annual registration fee in the amount of \$200.00 per property, shall accompany the registration forms. The registration fee shall be paid by the mortgagee or his agent.

(e) Registration of Transferred Property.

This section shall also apply to properties that have been the subject of a foreclosure sale where the title was transferred by the mortgagee, or it's agent, or when any property is transferred under a deed in lieu of foreclosure/sale, or quit claim deed, or by transfer, whether filed with the Register of Deeds or not, and, upon transfer of ownership upon the death of a prior owner.

(f) Duration of Registration for Defaulted and Foreclosed Property.

Properties subject to this section shall remain under all registration requirements, including but not limited to, the inspection, security, and maintenance standards of this section as long as the property remains vacant or in default. Property may be removed from the registry upon verification by the City of Memphis or its designee of cure of default, cure of vacancy; and cure of any existing code violations, with title vested in an owner of record.

(g) Reporting Changes in Service, Property Conditions, Mortgage Status, etc.

Any person or legal entity that has registered a property under this section must report any change of information contained in the registration within ten (10) days of the change.

II. COMPLIANCE

Sec. 48-26.

(a) Failure to Comply.

Failure of the mortgagee and/or owner to properly register or to modify the registration form from time to time to reflect a change of circumstances as required by this article is a violation of this article and shall be subject to enforcement and / or fine.

(b) Description of Violation: Civil Penalty.

Any violation of (Sec. 48-25(a) – (g) of this ordinance shall result in a fine of five hundred dollars (\$500.00) per violation payable by the mortgagee.

(c) Collections and Use of Funds.

All funds collected under this ordinance 48-21 through 26, including fines and fees are to be reserved for the use of the office of Code Enforcement for the removal of blight in the City of Memphis.

SECTION 2. BE IT FURTHER ORDAINED, That the provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrases or parts is held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

SECTION 3. BE IT FURTHER ORDAINED, That this Ordinance shall take effect from and after the date it shall have been passed by the City Council, signed by the Chairman of the Council, certified and delivered to the Office of the Mayor in writing by the Comptroller, and become effective as otherwise provided by law.

Proposal to Collect Unpaid Tickets for the City of Memphis

I propose that the City of Memphis can collect between **3 Million and 5 million dollars** every year. This can be done at **no cost** to the city and jobs would be created at no expense to the city. The collection of these tickets would help keep the property taxes down and place more money in the city treasury.

The City Court Clerks Office does not have the man power to collect parking tickets that are issued. To date the Memphis Police Department does not serve the summons to people that have not paid their tickets as these are not a high priority on their list of things to do and they do not have the man power to serve these types of summons.

Parking Tickets are only good for one year and after that they are not collectable, the statute of limitations runs out and they are no longer able to collect on these unpaid tickets.

The laws of the State of Tennessee allow Private companies to serve the summons to court in General Sessions per Tennessee Code Annotated 8-8-108.

A letter to the violator will accompany the summons explaining that if this ticket(s) is paid before the court date, then all that must be paid will be the cost of the ticket(s) and the fee for serving the summons to court **(\$30.00)**.

My company, Mid South Subpoena Service will serve the summons to court and this will bring the person before a judge to litigate the ticket. The fee charge for this service would be **\$30.00**. This fee can be charged to the violator as court costs per **T. C. A Code 8-8-108.**

Example: A \$100.00 worth of tickets would only cost \$130.00.

- Appearing in court and being found guilty the violator would be charged for the ticket, the service fee and **any additional court cost allowable by law.**
- The cost of the service would be paid by the violator and this would **not** cost the City of Memphis anything.
- This would clear up tickets that go uncollected year after year and bring in revenue to the City that has never been collected in past years.
- If all the past tickets for the past 15 years would have been collected the City would have collected approximately 20 to 30 million dollars in additional revenue to the City.

I am proposing this to the City of Memphis as I feel that to let these unpaid tickets go uncollected are depriving the City of Memphis of valuable revenue.

I hope that the City Council will consider this proposal and act accordingly to generate these additional funds for the City of Memphis.

Sincerely,

Charles Fineberg
Certified Tennessee Process Server

Mid South Subpoena Service
22 N. Front St. #630
Memphis, Tn. 38103
901-528-9116

Tenn. Code Ann. § 8-8-108

TENNESSEE CODE ANNOTATED
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*** CURRENT THROUGH THE 2011 REGULAR SESSION ***

Title 8 Public Officers And Employees
Chapter 8 Sheriffs
Part 1 Appointment--Vacancy

Tenn. Code Ann. § 8-8-108 (2012)

8-8-108. Deputies acting during vacancy -- Appointment of persons to serve process -- Legislative adoption of service of process alternatives.

(a) (1) In case of a vacancy in the office of sheriff, the deputies, or other authorized process servers except in counties specified in subdivision (a)(2), shall execute legal process in their hands as if the sheriff had continued in office, and shall be liable under the provisions of law as in other cases.

(2) The provisions of subdivision (a)(1) relative to other authorized process servers shall not apply in the counties having a population of: [Click here to view image.](#)

according to the 1980 federal census or any subsequent census.

(b) (1) The judge of a court of record or a general sessions judge may, upon petition filed by five (5) attorneys practicing before the court that they are unable to obtain reasonably prompt service of process from the court, appoint a person of legal age to serve any process or other papers, original or final, issued by the court, or do any act therein which the sheriff by law might do in any cause, except that such person shall not be authorized to serve process requiring the arrest of any person.

(2) Such appointment shall be made in writing under the hand of the judge and filed with the clerk of the court.

(3) The person so appointed shall have the same power conferred upon such person and proceed in the same manner prescribed by law for the sheriff in the performance of like duties.

(4) The fees payable to such person shall be the same as those paid to the sheriff by virtue of provisions of the law in that behalf for like service, and limited as deputy sheriff fees are limited. However, in any county having a population of seven hundred seventy thousand (770,000) or more, according to the 1980 federal census or any subsequent federal census, such fees shall not be counted as court costs, but shall be awarded by the court as a part of the judgment.

(5) Such judge shall require the person so appointed, before acting, to give bond to the state of Tennessee for the benefit of the people of the state in the penal sum of five thousand dollars (\$5,000) with such surety or sureties as such judge may approve, conditioned for the faithful performance and execution by such person of such person's duties and for the payment of all moneys that may come into such person's hands by virtue of such appointment. In any county having a population of seven hundred seventy thousand (770,000) or more, according to the 1980 federal census or any subsequent federal census, the person so appointed shall be required to give bond to the state of Tennessee for the benefit of the state in a penal sum of fifteen thousand dollars (\$15,000) with such surety or sureties as the judge may approve, conditioned for the faithful performance and execution by such person of such person's duties

and for the payment of all moneys that may come into such person's hands by virtue of such appointment.

(6) All process or papers served by the person appointed as provided in this subsection (b) shall be evidenced by the affidavit of such person making such service.

(7) Every person appointed as provided in this subsection (b) shall be liable in all respects to the provisions of the law as respecting sheriffs so far as same may be applicable.

(8) In any county having a population of seven hundred seventy thousand (770,000) or more, according to the 1980 federal census or any subsequent federal census:

(A) The collection of fees for such private process service shall be solely the responsibility of the person serving the process;

(B) The judges of the courts of general sessions shall promulgate rules of court to govern the application of this subsection (b) in their county; and

(C) These rules established by the court shall include, but not be limited to, a requirement that the process server shall have a computer capability approved by the general sessions court clerk.

(9) In counties having a home rule charter form of government and where private process servers are appointed in general sessions court, the maximum fees allowed shall be established by an ordinance of the county board of commissioners. The provisions of this subdivision (b)(9) shall not be in effect unless ratified by a two-thirds (2/3) vote of the board of commissioners of any such home rule county.

(c) (1) A person to serve process shall be appointed upon the petition of five (5) attorneys practicing before the general sessions court requesting appointment of persons to serve process. Such petition shall be filed with the county clerk and shall attest to the fact that the attorneys are unable to obtain reasonable, prompt service from the general sessions court. A person requesting appointment to serve process must file a petition with the county clerk requesting such appointment. A person appointed to serve process must be of legal age and be qualified to serve any process or other papers issued by the general sessions court or to do any act which the sheriff might do in serving process, except that such person shall not be authorized to serve process requiring the arrest of any person. The county clerk shall approve the petition to allow a person to serve process after a background check by the Tennessee bureau of investigation and the county sheriff's office has been completed. The county clerk shall administer an oath to the petitioner to uphold the laws of this state and the constitutions of the United States and Tennessee. A petitioner shall pay a fee not to exceed one hundred dollars (\$100) to the county clerk for the cost of the background checks.

(2) Such appointment shall be made in writing under the hand of the county clerk.

(3) The person so appointed shall have the same power conferred upon such person and proceed in the same manner prescribed by law for the sheriff in the performance of like duties.

(4) The fees payable to the person appointed to serve process shall be counted as court costs.

(5) The person so appointed shall be required to give bond to the state of Tennessee for the benefit of the state in a penal sum of fifteen thousand dollars (\$15,000) with such surety or sureties as the county clerk may approve, conditioned for the faithful performance and execution by such person of that person's duties and for the payment of all moneys that may come into that person's hands by virtue of such appointment.

(6) All process or papers served by the person appointed as provided in this subsection (c) shall be evidenced by the affidavit of such person making such service.

(7) Every person appointed as provided in this subsection (c) is liable in all respects to the provisions of the law as respecting sheriffs so far as it may be applicable.

(8) (A) The collection of fees for such private process service is solely the responsibility of the person serving the process;

(B) The county clerk has the power to suspend any person appointed to serve process who has violated the state or city laws governing the laws pertaining to civil process; and

(C) The process server shall have computer capability approved by the general sessions court clerk.

(9) The maximum fees allowed pursuant to this subsection (c) shall be established by ordinance of the county legislative body of any county to which this subsection (c) applies. The provisions of this subdivision (c)(9) shall not be in effect unless ratified by a two-thirds (2/3) vote of the legislative body of any county to which this subsection (c) applies.

(10) Notwithstanding the provisions of subsection (b), the provisions of this subsection (c) apply only to counties with a charter form of government with a population in excess of eight hundred thousand (800,000), according to the 1990 federal census or any subsequent federal census, and only upon the adoption of this subsection (c) by a two-thirds (2/3) vote of the legislative body of any county to which it applies.

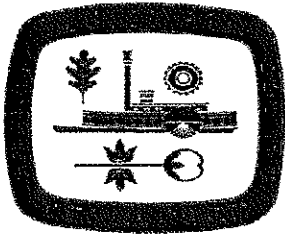
(d) (1) Notwithstanding the language of subsections (b) and (c) to the contrary, any county may adopt, by a two-thirds (2/3) vote of its legislative body, either the provisions of subsection (b) or (c) to govern the service of process in courts of general sessions in such county.

(2) Upon the adoption of either subsection by the county legislative body, the presiding officer of such body shall certify such adoption to the secretary of state and shall specify the subsection such county adopted. Upon receiving such certification, the secretary of state shall notify the presiding general sessions court judge of the county or the county clerk, whichever is appropriate, of such county's adoption of the appropriate subsection.

HISTORY: Code 1858, § 370; Shan., § 460; Code 1932, § 707; Acts 1968, ch. 530, §§ 1-3; T.C.A. (orig. ed.), § 8-809; Acts 1987, ch. 338, §§ 1, 3-5; 1989, ch. 97, § 1; 1989, ch. 415, §§ 1-4; 1990, ch. 710, § 1; 1991, ch. 352, § 1; 1993, ch. 426, § 1; 1994, ch. 991, §§ 2, 3.

In

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**A RESOLUTION TO ACCEPT AND APPROPRIATE
FIFTY-ONE THOUSAND, NINE HUNDRED DOLLARS (\$51,900)
FROM THE STATE OF TENNESSEE, TENNESSEE STATE LIBRARY
AND ARCHIVES IN ORDER FOR THE MEMPHIS PUBLIC LIBRARY
AND INFORMATION CENTER TO PURCHASE BOOKS AND
MATERIALS**

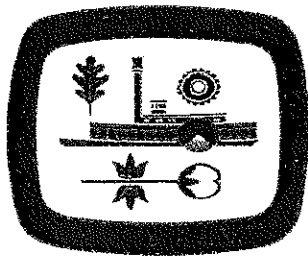
WHEREAS, the Memphis Public Library and Information Center (MPLIC) is in the business of satisfying the customer's need to know by providing current books, periodicals, electronic resources, audio books, and other types of materials at its 18 locations throughout Memphis and Shelby County; and

WHEREAS, nearly three million customers visiting MPLIC's locations check out nearly two million books and materials each year requiring continued upkeep and maintenance; and

WHEREAS, the State of Tennessee through the Tennessee State Library and Archives provides much-needed funding on an annual basis for MPLIC to assist in keeping its vast collection of books and materials current; and

WHEREAS, the Federal Government also provides supplemental, pass-through funding for the acquisition of books and materials through the State of Tennessee, Tennessee State Library and Archives;

NOW, THEREFORE, BE IT RESOLVED that the City of Memphis hereby amends the FY13 operating budget by accepting and appropriating Fifty-One Thousand, Nine Hundred Dollars (\$51,900) in funding from the State of Tennessee and the Federal Government through the Tennessee State Library and Archives for the purpose of purchasing books and materials for the Memphis Public Library and Information Center.



Memphis City Council Summary Sheet

1. Description of the Item (Resolution, Ordinance, etc.)

Resolution to accept and appropriate \$51,900 from the State of Tennessee, Tennessee State Library and Archives, in order for the Memphis Public Library and Information Center to purchase books and materials

2. Initiating Party (e.g. Public Works, at request of City Council, etc.)

The Division of Parks and Neighborhoods, Memphis Public Library and Information Center

3. State whether this is a change to an existing ordinance or resolution, if applicable.

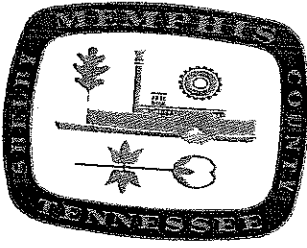
N/A

4. State whether this requires a new contract, or amends an existing contract, if applicable.

Resolution accepting and appropriating funding to modify the FY13 operating budget will require a new contract.

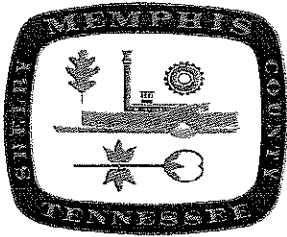
5. State whether this requires an expenditure of funds/requires a budget amendment.

No City funds are required as a match, but the Memphis Public Library and Information Center's FY13 operating budget must be amended.



Memphis City Council Summary Sheet

1. This item is a resolution seeking approval and appropriation of \$500,000.00 for transfer to the Children's Museum of Memphis from the Parks and Neighborhoods 2013 CIP Budget.
2. The initiating party is the Division of Parks and Neighborhoods.
3. This Resolution does not change any existing Ordinance or Resolution.
4. This Resolution does require a new contract between the City of Memphis and the Children's Museum of Memphis.
5. This Resolution does require an expenditure of funds in the amount of \$500,000.00.



Resolution appropriates funds for the Children's Museum of Memphis for major maintenance expenses.

WHEREAS, the Council of the City of Memphis did include Children's Museum Maintenance, CIP Project Number PK08030, as part of the Fiscal Year 2013 Capital Improvement Budget; and

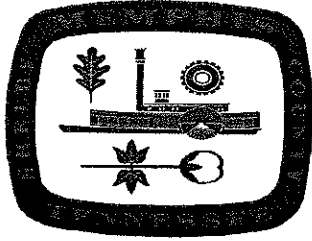
WHEREAS, the Council of the City of Memphis did allocate in Fiscal Year 2013 \$500,000.00 in Other Costs; and

WHEREAS, the Administration has executed a contract with Children's Museum of Memphis for transfer of the allocated funds of \$500,000.00; and

WHEREAS, the Administration will monitor work and expenditure of funds through the Divisions of Parks and Neighborhoods and General Services for execution of work and maintaining city standards.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that Children's Museum Maintenance, CIP Project Number PK08030, \$500,000.00 in Other Costs is hereby approved and appropriated for transfer to the Children's Museum of Memphis.

Project Title:	Children's Museum Maintenance
Project Number:	PK08030
Amount:	\$500,000.00



Memphis City Council Summary Sheet

1. Description of the Item (Resolution, Ordinance, etc.)

This is a proposed Ordinance in support of authorizing the Memphis Light, Gas & Water Board of Commissioners to enter into contracts providing for expenditures for goods, materials and supplies, without prior approval by the City Council, so long as such expenditures are within the annual budget approved by the City Council.

2. Initiating Party (e.g. Public Works, at request of City Council, etc.)

At the request of Memphis Light, Gas & Water

3. State whether this is a change to an existing ordinance or resolution, if applicable.

This is a change to Substitute Ordinance 5046 adopted by the Council on April 13, 2004 on third reading and amended by Ordinance 5383 adopted by the Council on October 12, 2010, on third reading and confirmed on October 18, 2011. Substitute Ordinance 5046 amended contract approval limits for MLGW contracts previously established by Ordinance 3509 adopted by the Council on November 5, 1985.

4. State whether this requires a new contract, or amends an existing contract, if applicable.

This proposed Ordinance does not require a new contract or amendment of an existing contract.

5. State whether this requires an expenditure of funds/requires a budget amendment.

This proposed Ordinance does not require an expenditure of funds or budget amendment



An Ordinance to Amend the Code of Ordinances of the City of Memphis Pertaining to the Budget, Salaries and Contracts of the Memphis Light, Gas and Water Division to Raise the Limit Requiring Approval of the City Council for Contracts Entailing Obligations or Involving Expenditures Relating to the Purchase by MLGW of Goods, Materials and Supplies.

WHEREAS, Section 681 of the City's Charter requires Council approval of any MLGW contracts entailing an obligation or expenditure in excess of Five Thousand Dollars; and

WHEREAS, Section 675 of the Charter requires Council approval of any salaries, fees or other compensation in excess of \$4,000 per annum of any engineers, subordinate officers, employees, auditors, attorneys, consultants and others employed to render extraordinary services to MLGW; and

WHEREAS, by Home Rule Amendment No. 3054 to the City's Charter, the Council is authorized to increase by ordinance the amount of contracts, salaries and compensation for employees and others that require Council approval; and

WHEREAS, from time to time the Council has amended its Code of Ordinances to increase the amount of contracts, salaries and compensation that require Council approval; and

WHEREAS, in order to improve the efficiency of placing contracts entailing obligations or expenditures for goods, materials and supplies, the Council desires to further amend its Code of Ordinances to raise the limits requiring approval and authorize the MLGW Board of Commissioners to make contracts of any amount entailing obligations or involving any expenditure solely for the purchase of goods, materials and supplies without the consent and approval of the Memphis City Council so long as said amount is within the budget established by the MLGW Board of Commissioners and approved by the City Council.

NOW, THEREFORE, BE IT ORDAINED, THAT:

SECTION 1. Notwithstanding the provisions of any other Ordinance to the contrary, from and after the effective date of this Ordinance, the Board of Light, Gas and Water Commissioners shall have authority to enter into contracts of any amount entailing an obligation or expenditure solely for the purchase of goods, materials and supplies without the consent and approval of the Memphis City Council as long as such obligation or expenditure is within the annual budget established by the MLGW Board of Commissioners and approved by the City Council.

Any contracts entailing an obligation or expenditure for the purchase of goods, materials and supplies in an amount greater than \$25,000 shall not require prior approval but shall be reported to the Council of the City in writing at each of the City Council's meetings for information purposes only.

SECTION 2. The provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrases or parts are held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

SECTION 3. This Ordinance shall take effect from and after the date it shall have been passed by the City Council, signed by the Chairman of the Council, certified and delivered to the office of the Mayor in writing by the comptroller, and become effective as otherwise provided by law.

SECTION 4. The Council staff and Council Records are directed to place this Ordinance on the Council's regular agenda for the second meeting in October 2011 for review and such action as the Council deems appropriate unless prior to such date the Council, after conducting public hearings, takes appropriate action by Ordinance to amend or repeal this Ordinance.

Chairman of the Council

Attest:

, Comptroller

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
January 6, 2011

.....

The President recommended to the Board of Light, Gas and Water Commissioners approval of an "Ordinance To Amend the Code of Ordinances of the City of Memphis Pertaining to the Budget, Salaries and Contracts of the Memphis Light, Gas & Water Division to Raise the Limit Requiring Approval of the City Council for Contracts Entailing Obligations or Involving Expenditures Relating to the Purchase by MLGW of Goods, Materials and Supplies" to be submitted to the Memphis City Council for its consideration and adoption.

The proposed Ordinance is an amendment to the existing Code of Ordinances of the City of Memphis and will grant authority to the MLGW Board of Commissioners to enter into contracts of any amount entailing an obligation or expenditure solely for the purchase of goods, materials and supplies without the consent and approval of the Memphis City Council as long as such obligation or expenditure is within the annual budget established by the MLGW Board of Commissioners and approved by City Council.

NOW, THEREFORE, BE IT RESOLVED BY the Board of Light, Gas and Water Commissioners:

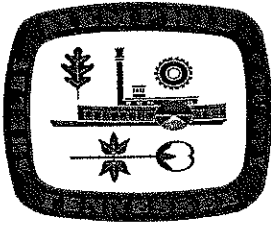
THAT, "An Ordinance To Amend the Code of Ordinances of the City of Memphis Pertaining to the Budget, Salaries and Contracts of the Memphis Light, Gas & Water Division to Raise the Limit Requiring Approval of the City Council for Contracts Entailing Obligations or Involving Expenditures Relating to the Purchase by MLGW of Goods, Materials and

Supplies" (attached herewith) is approved for submittal to the Memphis City Council for its consideration; and

THAT, The Memphis City Council is requested to support adoption of the proposed Ordinance.

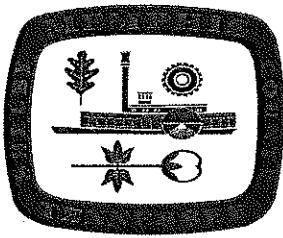
I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular ~~special~~ meeting held on 6th day of January, 20 11, at which a quorum was present.

John M. G. Smith
Secretary-Treasurer



Memphis City Council Summary Sheet

1. Item is Resolution appropriating the Revenues and Expenditures for the Neighborhood Stabilization Program funds in the amount of \$745,042.00.
2. The initiating party is the Division of Housing and Community Development / CD90006-Non Profit Housing Department.
3. This resolution is not a change to an existing ordinance or resolution.
4. Resolution will amend an existing contract.
5. There will be an expenditure of funds required.



A resolution appropriating the Revenues and Expenditures for the Neighborhood Stabilization Program funds in the amount of \$745,042.00.

WHEREAS, the City of Memphis, through the Division of Housing and Community Development, in response to the Neighborhood Stabilization Program (NSP) allocation, establishing a planning committee to examine foreclosure and sub prime loan data for the City of Memphis in order to identify the areas of greatest need for NSP funding; and

WHEREAS, the Division of Housing and Community Development (HCD) on behalf of the City of Memphis submitted a grant application to the U.S. Department of Housing and Urban Development (HUD) as required to amend the City's 2008 Annual Federal Action Plan, as authorized under Title III of the Housing and Economic Recovery Act (HERA) of 2008; and

WHEREAS, the City of Memphis was awarded Eleven Million, Five Hundred Six Thousand, Four Hundred and Fifteen Dollars (\$11,506,415.00) from HUD for a period commencing April 1, 2009 and ending September 30, 2010; and

WHEREAS, the City of Memphis, Division of Housing and Community Development (HCD) proposes making the majority of the NSP funds available for use by nonprofit and for profit affordable housing developers within 10 zip codes of Memphis. HCD expects that this funding will result in the acquisition, rehabilitation, and deposition of approximately 145 units; and

WHEREAS, the Division of Housing and Community Development has generated in Program Income a total of Nine Hundred Seven Thousand, One Hundred Sixty Eight and 00/100 Dollars (\$907,168.00) as of June 30, 2012. An additional \$245,042 was collected in FY 2012 and it is estimated for FY2013 an additional \$500,000.00 will be collected in Program Income under the NSP Program.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis, that the Program Income generated from HUD Neighborhood Stabilization Program (NSP) in the amount of \$745,042.00 be accepted by the City of Memphis; and

BE IT FURTHER RESOLVED, that the Fiscal Year 2013 Operating Budget be and is hereby amended by appropriating the Revenues and Expenditures for the Neighborhood Stabilization Program in the amount of \$745,042.00 as follows:

Revenue

<u>HUD Neighborhood Stabilization Program Grant (Award #12400)</u>	<u>\$745,042.00</u>
Total	\$745,042.00

Expense

<u>Payment to Subgrantees (CD90006) (Award #12400)</u>	<u>\$745,042.00</u>
Total	\$745,042.00

ORDINANCE NO. 5473

**AN ORDINANCE TO AMEND CABLE FRANCHISE
ORDINANCE NO. 5331 TO BE CONSISTENT WITH COUNCIL'S AUTHORITY AND
INTENT**

WHEREAS, City Ordinance No. 5331, extended the franchise of Comcast of Arkansas / Florida / Louisiana / Minnesota / Mississippi / Tennessee, Inc., a wholly-owned subsidiary of Comcast Corporation and authorized the execution of a franchise agreement consistent with the Ordinance; and

WHEREAS, the Council, unequivocally provided in Section 15 of the Ordinance and informed the Grantee that it did not have the power under the City's Charter to dictate the terms upon which Grantee could use the property of any of its affiliated entities, particularly MLGW and MATA;

WHEREAS, the Council does not have the authority under its charter to contract for and on behalf of MLGW;

WHEREAS, Sections 666 and 677 of the City's Charter gives Board of Commissioners of MLGW the power and authority to construct, purchase, improve, operate and maintain transmission lines, distribution lines, wires and poles;

WHEREAS, MLGW has constructed, purchased, improved, operated and maintained transmission lines, distribution lines, wires and poles with its revenues and with proceeds of revenue bonds issued by the City and secured by the revenues of MLGW's system and the City has agreed with the holders of its bonds that such properties would be under the management and control of MLGW;

WHEREAS, the Council expressly provided in the Comcast franchise ordinance that the ordinance was limited solely to allowing Grantee the use of the City's easement, streets and rights of way and did not entitle Grantee to any other rights, privileges or property rights of the City or City affiliated governmental entities, including MLGW and MATA and that Grantee must enter into separate agreements with such entities to use the facilities of such affiliated entities;

WHEREAS, notwithstanding the clear expression of intent in Section 15 of the ordinance, the ordinance contained language in which the Council extended the term of the Grantee's expired contract with MLGW and mandated other terms and conditions for Grantees' use of MLGW poles;

WHEREAS, it was not the intent of the Council to either extend the contracts with , or mandate any terms for Grantee's use of the facilities of affiliated entities, such as MLGW and MATA, since the Council had no authority to extend contracts between Grantee and MLGW or MATA or to prescribe contract terms for those entities;

WHEREAS, Grantee and MLGW have not reached any agreement regarding Grantee's use of MLGW's poles and to the extent that the City has directed MLGW to contract with Grantee in any particular manner regarding its poles in the Ordinance, the Council desires to rescind and eliminate such direction and obligation from the Ordinance *nunc pro tunc* to August 10, 2010 or at a minimum from the date of this Ordinance whichever first occurs.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS,

SECTION 1. That Ordinance 5331 is hereby amended as follows:

The last sentence in Section 8. A. is deleted in its entirety.

Appendix A is hereby deleted in its entirety.

SECTION 2. Any direction by the Council for MLGW to contract with Grantee in any particular manner regarding its poles in the Ordinance or otherwise, is hereby rescinded and MLGW is under no further obligation or requirement to license the use of its poles to Grantee or any other private entity *nunc pro tunc* to August 10, 2010 or from the date of this Ordinance, whichever first occurs.

BILL MORRISON
Chairman of Council

Attest:
Patrice Thomas, Comptroller